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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,557	09/24/2004	Nagarjun Yetukuri	LC 0172 PUS	5556
36014	7590	05/02/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,557

Applicant(s)

YETUKURI ET AL.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al (U.S. Patent No. 5,540,479).

Thomas et al teach an automotive seat assembly comprising: a left rear seat portion, a right rear seat portion, a center rear seat portion, each having a seat base; a seatback including an upper seatback surface; a head restraint assembly 20 mounted to said center rear seatback and defining a head restraint protrusion distance above said upper seatback surface, said head restraint assembly movable between a head restraint operational position and a head restraint stowed position (See Figures 1-3, 5-7, and 9), said head restraint stowed position reducing said head restraint protrusion distance; an armrest assembly 25 mounted to said seatback, said armrest assembly movable between an armrest stowed position and an armrest deployed position, said armrest assembly in communication with said head restraint assembly such that said head restraint assembly is moved between said head restraint stowed position and said

head restraint operational position in response to said armrest assembly moving between said armrest deployed position and said armrest stowed position, wherein said armrest assembly includes a non-actuating motion range allowing partial movement of said armrest assembly without moving said head restraint assembly, further comprising: a head restraint support member protruding from said upper seatback surface, said head restraint support member retracting into said seatback when said head restraint assembly is moved into said head restraint stowed position, wherein said head restraint assembly comprises: a head restraint support member protruding from said upper seatback surface; and a head restraint inner structure rotatably mounted to said head restraint support member (see Figures 6-8 and specification), said head restraint inner structure rotatable between a flip-up position and a flip-down position, said flip-down position corresponding to said head restraint stowed position, further comprising: at least one vertical adjustment mount in communication with said head restraint assembly, wherein said head restraint assembly is automatically moved to said head restraint stowed position in response to said armrest assembly moving into said armrest deployed position, further comprising: a trigger element holding said head restraint assembly in said head restraint operation position, said head restraint assembly biased towards said head restraint stowed position; and a link element between said armrest assembly and said trigger element, said link element releasing said trigger element when said armrest assembly is moved into said armrest deployed position, further comprising: a link assembly providing communication between said armrest assembly and said head restraint assembly, said link assembly comprising:

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a pivot mount including a rotational slot guide, said armrest assembly pivotably mounted to said pivot mount; an armrest link mounted to said armrest assembly, said armrest link positioned within said rotational slot guide; a pivot arm rotational mounted to said pivot mount, said pivot arm including an armrest end and a head restraint end, said armrest link in communication with said armrest end; a head restraint link providing communication between said head restraint assembly and said head restraint end; wherein when said armrest assembly is rotated into said armrest deployed position, said pivot arm is rotated such that said head restraint link is pulled downwards towards said seat base, further comprising: a link assembly providing communication between said armrest assembly and said head restraint assembly, said link assembly providing communication such that as said armrest assembly is rotated into said armrest deployed position said head restraint assembly is pulled downwards towards said seatbase (See Figures 1-4 and 10 and specification).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (U.S. Patent No. 5,540,479).

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Thomas et al teach an obvious use of the structures as claimed.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flipovich et al, Lang, Ozawa, Wimmer, and Bayerische Motoren Werke teach structures similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
April 28, 2006



RODNEY B. WHITE
PRIMARY EXAMINER